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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,838	02/13/2002	Graham Roderick Lodge	P01,0587	6336

26574 7590 04/20/2007	EXAMINER
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473	ROBINSON BOYCE, AKIBA K

	ART UNIT	PAPER NUMBER
	3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 February 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Due to communications filed 2/14/07, the following is a final communication.

Claims 1, 7, 9 have been amended. Claims 1-14 are pending in this application and are

rejected as follows.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Koperda et al (US 7,028,088).

As per claims 1, 7, 9, Koperda et al discloses:

a processing unit/...having a processing unit/providing...a processing unit, (Col.

13, lines 52-54, processor 261);

a data transmission device connected to said processing unit and configured to

transmit for transmitting information between said processing unit and a remote data

center via a telecommunication network/a data center located remote from said...meter

machine; a data transmission device connected to said processing unit and adapted for

transmitting information between said processing unit and said data center via a

telecommunication network/and a data transmission device..., (Col.. 13, lines 54-57,

downstream modulator);

said data transmission device including a connection arrangement that makes a communication connection to a shared telecommunication line of said telecommunication network, said shared telecommunication line being shared by said data transmission device and a further telecommunication device/including in said data transmission device a connection arrangement for making a communication connection to said shared telecommunication line of said telecommunication network, (Col. 9,lines 43-48, shows multiple receive/transmit channels where data is transmitted, which may be shared with other subscribers);

a monitoring device connected to said processing unit that monitors an occurring electrical signal in said shared communication line to identify a usage status of said shared telecommunication line indicating a currently occurring usage or a currently occurring attempt at usage of said shared telecommunication line by said further telecommunication device, and that provides usage status information, dependent on said usage status, to said processing unit/with a monitoring device connected..., (Col. 11, lines 24-32, link access control gathers information as to how much data each user sharing facilities is transmitting and monitors usage statistics and provides this information regarding the status of the data transmission, w/ Col. 13, lines 4-13, shows a scheduling algorithm where real-time transmission of data in response to a data transmission request is transmitted, w/ col. 13, lines 52-57, shows scheduling algorithm utilizes a signal allowing or denying data transmission); and

said processing unit controlling a connection setup to said telecommunication network via said shared telecommunication line by said data transmission device

dependent on said usage status information/controlling, via said processing unit, a

connection setup..., (Col. 11, lines 34-37, feedback link from the link access control

informs which network access devices have authorization to transmit and which do not).

Koperda et al does not specifically disclose a postage meter machine, where it is

determined how much to charge for use of postage, but does disclose a system for

providing billing in a cable environment where meters are used for determining how

much to charge for use of cable. Therefore, it would be obvious to have a connection

via shared telecommunication line that is dependent on the usage status information for

any type of meter, including a postage meter.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have a connection via shared telecommunication line that is

dependent on the usage status information for a postage meter with the motivation of

determining how to make a connection for a postage meter in a shared environment.

As per claims 2, 10, Koperda et al discloses:

Wherein said processing unit suppresses setup of said connection by said

data transmission device if said usage status information indicates that said shared

telecommunication line is in use by said further telecommunication

device/comprising via said processing unit, suppressing setup of said connection...,

(Col. 14, lines 33-43, shows that data transmission goes from all user modems to the

MHE, and in this case control circuits tell modem *when not* to transmit to the MHE,

however, this depends upon the status as shown in col. 11, line 65-Col. 12, line 2, here

it is shown that the hub element manager monitors the status of the network, w/Col. 13,

lines 17-23, shows the ability to load information into the LAC (link access control)

circuit from the hub element manager to determine which users are authorized and the

level of performance authorized for each user as well as the health of connections).

As per claims 3, 11, Koperda et al discloses:

wherein said usage status information includes a suppression signal

generated by said monitoring device/comprising including a suppression signal

generated..., (col. 14, lines 20-22, each modem includes one or more frequency

selectable tuners separating the directions of transmission of the combined signal).

As per claims 4, 12, Koperda et al discloses:

Wherein said monitoring device identifies an attempt at a connection setup

via said shared telecommunication line by said further telecommunication

device, and includes information identifying said attempt in said usage status

information/comprising identifying, via said monitoring device, an attempt at a

connection setup..., (Col. 17, lines 14-20, shows new connection attempted, w/cool. 11,

line 65-Col. 12, line 2, here it is shown that the hub element manager monitors the

status of the network, w/Col. 13, lines 17-23, shows the ability to load information into

the LAC (link access control) circuit from the hub element manager to determine which

users are authorized and the level of performance authorized for each user as well as

the health of connections).

As per claims 5, 13, Koperda et al discloses:

wherein said monitoring device generates an interrupt signal in said

usage status information upon identification of said attempt, and wherein said

processing unit, upon receiving said interrupt signal, causes said data transmission

device to interrupt use of said shared telecommunication line/comprising including an

interrupt signal in said usage status information upon identification of said attempt...,

(Col. 17, lines 9-20, disconnect an existing connection w/ col. 11, line 65-Col. 12, line 2,

here it is shown that the hub element manager monitors the status of the network,

w/Col. 13, lines 17-23, shows the ability to load information into the LAC (link access

control) circuit from the hub element manager to determine which users are authorized

and the level of performance authorized for each user as well as the health of

connections).

As per claims 6, 8, 14, Koperda et al does not specifically disclose the following:

wherein said interrupt signal is a first interrupt signal, and wherein said

monitoring device, upon receiving a control signal from said processing unit to

interrupt said use of said shared telecommunication line by said data transmission

device, generates a second interrupt signal and transmits said second interrupt signal to

said data center via said shared telecommunication line before interrupting said

connection/...and includes a first interrupt signal in said usage status

information supplied to said processing unit, and wherein said processing unit,

upon receiving said first interrupt signal, supplies a control signal to said data

transmission device instructing said data transmission device to interrupt said

connection, and wherein said data transmission device, upon receipt of said

control signal, generates a second interrupt signal and transmits said second

interrupt signal to said data center via said shared telecommunication line before

interrupting said connection/wherein said interrupt signal is a first interrupt signal, and comprising generating a second interrupt signal in said monitoring device, upon receiving a control signal from said processing unit to interrupt said use of said telecommunication line by said data transmission device, and transmitting said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection.

However, Koperda et al does disclose a shared telecommunication line in Col. 9,lines 43-48, where a connection an attempt at a connection is identified in Col. 17, lines 14-20, and a connection may be interrupted by disconnecting an existing connection in col. 17, lines 9-20, and where each modem includes one or more frequency selectable tuners separating the directions of transmission of the combined signal in col. 14, lines 20-22,. It would therefore be obvious to have both a first and a second interrupt signal when interrupting a connection since there are actually two lines.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the interrupt signal to be a first interrupt signal, and wherein said monitoring device, upon receiving a control signal from said processing unit to interrupt said use of said shared telecommunication line by said data transmission device, to generate a second interrupt signal and transmit said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection with the motivation of sending an indication to discontinue all connections in a shared environment.

Response to Arguments

4.   Applicant's arguments filed 2/14/07 have been fully considered but they are not persuasive.

Applicant argues that the Koperda et al reference does not apply since Koperda et al is for the purpose of providing flexible billing, and is based on historical data, and not for on monitoring usage or attempted usage of the system by a subscriber that is occurring at any one point in time. However, Koperda et al discloses real-time transmission of data in response to a data transmission request in Col. 13, lines 4-13. Therefore, when a request is transmitted for usage data, Koperda's system will transmit the real-time usage data, which represents usage that is occurring at any one point in time.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
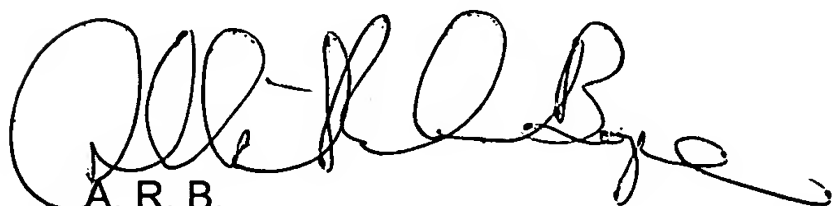
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
April 16, 2007